

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DAVID WAYNE BARRON,
Plaintiff.

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Docket No. 1:09-cv-209-jgm

ANDREW PALLITO, PRISON HEALTH SERVICES, INC., DR. DELORES BURROUGHS-BIRON, DR. BALLARD, DR. GARRY WEISCHEDEL, RANDY PORTER, THERESA STONE, KEVIN JENKINS, JODI BARRIERE and MENTAL HEALTH MANAGEMENT, INC.,
Defendants.

ORDER

Pursuant to the Amended Order (Doc. 87) adopting the Magistrate Judge's Report and Recommendation, the motion to dismiss filed by Defendants Dr. Ballard and Mental Health Management, Inc. ("MHMI") was granted and Plaintiff was granted leave to replead his claims against them within 30 days. Plaintiff has not filed an amended complaint as to these Defendants; therefore, the claims are hereby DISMISSED with prejudice.

Construing the Second Motion for Final Judgment filed by Defendants Ballard and MHMI (Doc. 90) as one filed under Rule 54(b) of the Federal Rules of Civil Procedure, the motion is DENIED. A final judgment will be entered when all claims and all parties' rights and liabilities have been adjudicated.

Defendants Andrew Pallito, in his official capacity, Theresa Stone, Randy Porter, Jodi Barriere and Kevin Jenkins were directed to answer the Second

Amended Complaint within 20 days. It is hereby ORDERED that an answer shall be filed not later than December 9, 2011. If they fail to do so, default will be entered against them, upon motion from the Plaintiff.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 18th day of November, 2011.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
United States District Judge